

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**

Docket No.

P09-99-061

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD, SYSTEM AND PROGRAM PRODUCTS FOR OPERATIONALLY MIGRATING A CLUSTER THROUGH EMULATION

the specification of which

(check one)

is attached hereto.

was filed on _____ as United States Application No. or PCT International

Application Number _____

and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

William D. Porter, Reg. No. 33,135
 Floyd A. Gonzalez, Reg. No. 26,732
 Lynn L. Augspurger, Reg. No. 24,227
 William A. Kinnaman, Jr., Reg. No. 27,650
 Lily Neff, Reg. No. 38,254
 Marc A. Ehrlich, Reg. No. 39,966
 Lawrence D. Cutter, Reg. No. 28,501

Christopher A. Hughes, Reg. No. 26,914
 Edward A. Pennington, Reg. No. 32,588
 John E. Hoel, Reg. No. 26,279
 Joseph C. Redmond, Reg. No. 18,753
 Jeff Rothenberg, Reg. No. 26,429
 Kevin P. Radigan, Reg. No. 31,789
 Blanche E. Schiller, Reg. No. 35,670
 Luke J. Yeh, Reg. No. 43,296

Send Correspondence to: **Luke J. Yeh, Esq.**
HESLIN & ROTHENBERG, P.C.
5 Columbia Circle
Albany, NY 12203

Direct Telephone Calls to: (name and telephone number)
Luke J. Yeh, Esq. (518) 452-5600

Full name of sole or first inventor STEVEN E. FROEHLICH	Date <i>9/30/99</i>
Sole or first inventor's signature <i>Steven E. Froehlich</i>	
Residence 10 Marc Road, Danbury, Connecticut 06810	
Citizenship United States of America	
Post Office Address 10 Marc Road, Danbury, Connecticut 06810	

Full name of second inventor, if any MICHAEL K. COFFEY	Date <i>9/30/99</i>
Second inventor's signature <i>Michael K. Coffey</i>	
Residence 74 Mary Lou Lane, Shokan, New York 12481	
Citizenship United States of America	
Post Office Address 74 Mary Lou Lane, Shokan, New York 12481	

Full name of third inventor, if any
PAUL D. MOYER

Third inventor's signature

9/30/99 Date

Residence
14 Liberty Street, Catskill, New York 12414

Citizenship
United States of America

Post Office Address
14 Liberty Street, Catskill, New York 12414

Full name of fourth inventor, if any

Fourth inventor's signature

Date

Residence

Citizenship

Post Office Address

Full name of fifth inventor, if any

Fifth inventor's signature

Date

Residence

Citizenship

Post Office Address

Full name of sixth inventor, if any

Sixth inventor's signature

Date

Residence

Citizenship

Post Office Address

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

DECEMBER 30, 1999

PTAS

HESLIN & ROTHENBERG, P.C.
LUKE J. YEH
5 COLUMBIA CIRCLE
ALBANY, NEW YORK 12203

101168177A

560 228

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/30/1999

REEL/FRAME: 010290/0107

NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

FROEHLICH, STEVEN E.

DOC DATE: 09/30/1999

ASSIGNOR:

COFFEY, MICHAEL K.

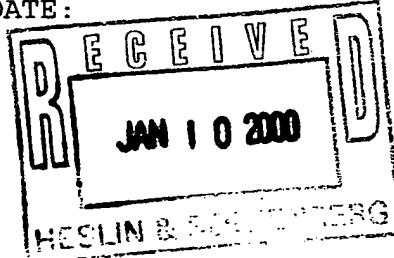
DOC DATE: 09/30/1999

ASSIGNOR:

MOYER, PAUL D.

DOC DATE: 09/30/1999

ASSIGNEE:

INTERNATIONAL BUSINESS MACHINES
CORPORATION
NEW ORCHARD ROAD
ARMONK, NEW YORK 10504SERIAL NUMBER: 09408916
PATENT NUMBER:FILING DATE: 09/30/1999
ISSUE DATE:

010290/0107 PAGE 2

SHAREILL COLES, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

10-12-1999



Form PTO-1595

9/30/99

RECORD

101168177

U.S. Department of Commerce

NTS ONLY

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

09/408916
09/30/99
c5111 us pto
09/30/99

1. Name of conveying party(ies):

a) Steven E. Froehlich g)
 b) Michael K. Coffey h)
 c) Paul D. Moyer i)
 d) _____ j)
 e) _____ k)
 f) _____ l)

More names attached? Y N

2. Name and address of receiving party(ies):

Name: INTERNATIONAL BUSINESS
MACHINES CORPORATION
Address: New Orchard Road
Armonk, NY 10504

More names attached? Y N3. Nature of Conveyance: Assignment

4. Application number: Filed:

Filed with new application: yes no

Execution date(s):

a) September 30, 1999 g)
 b) September 30, 1999 h)
 c) September 30, 1999 i)
 d) _____ j)
 e) _____ k)
 f) _____ l)

Additional numbers attached? Y N

09/408916

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Luke J. Yeh
Heslin & Rothenberg, P.C.
5 Columbia Circle
Albany, New York 12203

6. Total # of applications and patents involved: 01

7. Total fee (37 CFR 3.41):
\$ 40.00 ✓8. Charge to Deposit Account
09-0463. A duplicate copy is enclosed.

10/06/1999 MTHAI1 00000084 090463 09408916

DO NOT USE THIS SPACE

01 F0-581

40.00 CH

E

9. Statement and Signature: To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Susan L. Nelson

Signature

9/30/99

Date

Total number of pages including cover sheet, attachments, and document: 2

Express Mail Label No. (if applicable): EJ896412841US

Docket No.: PO9-99-061

A S S I G N M E N T

Whereas, we

(1) Steven E. Froehlich of Danbury
County of Fairfield and State of Connecticut

(2) Michael K. Coffey of Shokan
County of Ulster and State of New York

and

(3) Paul D. Moyer of Catskill
County of Greene and State of New York

have invented certain improvements in

METHOD, SYSTEM AND PROGRAM PRODUCTS FOR OPERATIONALLY MIGRATING A CLUSTER THROUGH EMULATION

and executed a United States Patent Application therefor on

(1) 9|30|99, (2) 9|30|99, and (3) 9|30|99.

Whereas, INTERNATIONAL BUSINESS MACHINES CORPORATION, a corporation of New York, having a place of business at New Orchard Road, Armonk, New York, 10504, (hereinafter called IBM), desires to acquire the entire right, title and interest in the said application and invention, and to any United States and foreign patents to be obtained therefor;

Now therefore, for a valuable consideration, receipt whereof is hereby acknowledged, we, the above named, hereby sell, assign and transfer to IBM, its successors and assigns, the entire right, title and interest in the said application and the invention therein disclosed for the United States and foreign countries, and all rights of priority resulting from the filing of said United States application, and we request the Commissioner of Patents to issue any Letters Patents granted upon the invention set forth in said application to IBM, its successors and assigns; and I hereby agree that IBM may apply for foreign Letters Patent on said invention and I will execute all papers necessary in connection with the United States and foreign applications when called upon to do so by IBM.

Signed

(1) at (City, State)
on Sept. 30, 1999

Steven E. Froehlich

(2) at (City, State)
on Sept. 30, 1999

Michael K. Coffey
MICHAEL K. COFFEY

(3) at Poughkeepsie, NY
(City, State)
on Sept. 30, 1999



Paul D. Moyer